

SHER TREMONTE LLP

MEMO ENDORSED

September 27, 2024

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BY ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Adama Sow*, 23 Cr. 593 (VEC)

Dear Judge Caproni:

We represent Adama Sow and write pursuant to the Court's July 31, 2024, order to respectfully request that the Court hold an evidentiary hearing to resolve disputed questions of fact relevant to Ms. Sow's sentencing pursuant to *United States v. Fatico*, 603 F.2d 1053 (2d Cir. 1979), *cert. denied*, 444 U.S. 1073 (1980).¹

Among other things, the parties have factual disputes relating to Ms. Sow's role, including the degree of control she exercised over the storage units, as well as the quantity and value of counterfeit goods attributable to her for purposes of the guidelines calculations. The parties will continue to work toward resolving these issues without the need for a hearing, but, mindful of the Court's scheduling order (ECF 33), write to advise the Court that at this juncture, we do anticipate that a *Fatico* hearing will be needed.

The government requests that any hearing be scheduled in February 2025. While we recognize that this is a long adjournment of the proceedings, AUSA Ross, who is familiar with the matter, is currently on family leave and has a trial scheduled in January 2025. Moreover, we anticipate that a *Fatico* hearing will require additional investigation by both sides, and, given defense counsel's recent appointment, the time is needed to prepare for such a hearing and supplement the mitigation submission filed by prior counsel. Accordingly, the defense joins in the government's scheduling request.

We appreciate the Court's consideration.

¹ Ms. Sow does not seek to withdraw her guilty plea.

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Respectfully submitted,

/s/ Justine Harris

Justine Harris
Emily McDaniels

Attorneys for Adama Sow

cc: All counsel (by ECF)

Application GRANTED. Ms. Sow's sentencing, currently scheduled for October 17, 2024, is ADJOURNED *sine die*. A *Fatico* hearing for Ms. Sow will be held on **Tuesday, February 11, 2025, at 10:30 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. Any pre-hearing submissions must be filed not later than **Tuesday, January 28, 2025**.

In light of the multiple adjournments previously granted in this matter, the Court is unlikely to further extend the above-listed deadlines.

SO ORDERED.

 9/30/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE